

Federal Patent Court recognizes claims made by Hamilton Medical AG against imtmedical AG in patent infringement case regarding flow sensors

On May 31, 2016, Hamilton Medical AG (“Hamilton”) filed a lawsuit against imtmedical AG, Buchs, Switzerland (“IMT”) at the Federal Patent Court in Sankt Gallen, Switzerland. In this lawsuit, Hamilton alleges that IMT has infringed Hamilton’s Patent No. CH701755B1 regarding flow sensors, in particular proximal flow sensors.

The Federal Patent Court ruling of December 18, 2018 recognizes Hamilton’s injunctive, destruction and disclosure claims against IMT. The judgment includes flow sensors, in particular proximal flow sensors, comprising the following features:

- a cylindrical housing having a passage with a first passage opening at one end and a second passage opening at the other end;
- the cylindrical housing is composed of a first housing part and a second housing part, between which a thin membrane is clamped, which extends through the passage of the housing;
- a first connection port for a connection line, which first connection port is connected to the interior of the first housing part via a channel running between the first and second housing part and a first connection channel extending in the first housing part;
- a second connection port for a connection line, which second connection port is connected to the interior of the second housing part via a channel running between the first and second housing part and a second connection channel extending in the second housing part;
- the first and second connection ports are arranged at a distance from each other on the first housing part;
- the first housing part comprises a first flange with a flange extension, the second housing part comprises a second flange with a flange extension, and the first housing part and the second housing part are connected with each other by the first flange with flange extension and the second flange with flange extension respectively their abutting flange pressure surfaces; and
- the connection from the second connection port to the interior of the second housing part runs partially through a channel extending between the first and second flange with a flange extension across the flange pressure surfaces.

The appeal period runs until February 1, 2019. Hamilton's claim for compensation against IMT forms part of the second part of the pending proceedings.

Hamilton reserves the right to take actions against alleged third party infringers where appropriate and necessary.